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8 IN THE UNITED STATES DISTRICT COURT  
9 OF THE EASTERN DISTRICT OF CALIFORNIA  
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11 CALIFORNIA DEPARTMENT OF  
12 TOXIC SUBSTANCES CONTROL,

13 Plaintiff,

14 v.

15 BRIGHTON OIL COMPANY, et al.,

16 Defendants.  
17 \_\_\_\_\_/

CASE NO. CIV-S-02-0018 GEB GGH

ORDER REGARDING FURTHER SETTLEMENT  
CONFERENCES

18  
19 The following order is issued to all non-fully dismissed parties and their counsel  
20 regarding appearances at settlement conferences:

21 1. April 21, 2009 at 10:00 a.m.: All counsel representing non-fully dismissed  
22 parties and all parties appearing in pro per are directed to appear for a general settlement  
23 conference. Attorneys should have full authority to discuss settlement terms (insurance  
24 representatives may appear).

25 2. April 22, 2009 at 10:00 a.m.: All non-fully dismissed parties and their counsel  
26 and all parties appearing in pro per are directed to appear for a settlement conference.  
27 Attorneys and their clients and parties appearing in pro per should have full authority to make  
28

1 settlement decisions (insurance representatives may appear on behalf of parties if they so  
2 desire, but are required to be on telephone standby).

3 “All parties” include those non-dismissed parties who elected to be “nonparticipating”  
4 in the settlement process up to this point. See Participation Memorandum of November 19,  
5 2003.  
6

7 These settlement conferences are scheduled pursuant to the November 4, 2003  
8 Settlement Process Order, and specifically Stages II and III referenced therein. It is anticipated  
9 that the Final Feasibility Study/Remedial Action Plan (“FS/RAP”) will have proceeded through  
10 the public comment process, and the FS/RAP will have received final approval by DTSC. If  
11 final approval has not been obtained from DTSC, final settlement will be contingent upon the  
12 approval of a final RAP.  
13

14 The settlement conference will begin with the parties having a general settlement  
15 conference session on April 21, 2009 and then on April 22, 2009, the parties will be organized  
16 in accordance with the groups identified in the settlement process order as modified herein.  
17 The groups will facilitate the court in working with the parties. The court may consider a  
18 different settlement discussion structure during the course of the settlement conferences if  
19 necessary.  
20

21 In accordance with the above, all settlement conference participants shall initially meet  
22 for a joint session on April 21, 2009 at 10:00 a.m. at the commencement of the conference to  
23 be updated on the events involving public comment, offers all groups might wish to consider,  
24 structure of the settlement process, potential insurance products to be considered for the site,  
25 and other informational issues pertinent to the groups as a whole.  
26  
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For settlement purposes the groups are as follows:

1. Owners' Group:

Kester  
McDuffee  
Mid-Valley Development  
Shankar  
Stone  
White Rock & Kilgore LLC

2. Arrangers' Group:

Aerojet  
Atlantic Richfield  
Chevron U.S.A. Inc.  
City of Sacramento  
City of Roseville  
County of Sacramento  
Ellsworth Harrold  
Exxon Mobil  
FB Hart  
International Truck  
John L. Sullivan  
Petroleum Tank Line  
PG&E  
R.L. Niello  
Shell Oil  
SMUD  
State Agencies (CHP, Caltrans, State Garage)  
Suburban Motors  
Teichert, Inc.  
Texaco Inc.  
Turner Motors  
Union Oil Company of California  
Union Pacific Railroad  
United States Air Force  
Valley Livestock

Previously and currently identified non-participating parties (as set forth below) shall join the

3. Other Arrangers Group:

Keil Enterprises  
Maita Oldsmobile

1 The Settlement Process Order contemplates settlement on an equitable basis. However, the  
2 parties may also discuss other potential allocations for settlement, including on a pro rata basis,  
3 which may help to facilitate settlement. Also important to final resolution is a determination of  
4 generator status and details governing those parties who will remain responsible for  
5 implementing the remedy in the approved RAP, for any further monitoring, and work to be  
6 performed in later years, assuming an improbable event which would necessitate any further  
7 work to be performed, as well as potential insurance products to be utilized in a settlement.  
8

9 All parties shall serve their settlement conference statements on Magistrate Judge  
10 Hollows in his chambers and on the other parties in the litigation 10 days prior to the date of  
11 the settlement conference. The statements shall be based upon as much informal contact  
12 within and without the individual groups as possible. If it is possible for a group to prepare and  
13 serve a consolidated settlement conference statement containing group agreements, it is  
14 advisable to do so. Except for statements on behalf of a group, the statements shall be no  
15 greater in length than five pages. No more than ten pages of exhibits may be served along with  
16 the settlement conference statements.  
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18 DATED: February 17, 2009 \_\_\_\_\_  
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20 /s/ Gregory G. Hollows

21 \_\_\_\_\_  
22 GREGORY G. HOLLOWES  
23 UNITED STATES MAGISTRATE JUDGE  
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